

# Guatemala

## Incidence and Nature of Child Labor

An estimated 16.1 percent of children ages 5 to 14 years were counted as working in Guatemala in 2000. Approximately 21 percent of all boys 5 to 14 were working compared to 11.1 percent of girls in the same age group. The majority of working children were found in the agricultural sector (62.6 percent), followed by services (23.4 percent), manufacturing (10.7 percent) and other sectors (3.2 percent).<sup>2063</sup> Labor force participation rates of children are highest in areas with large indigenous populations.<sup>2064</sup> On average, working children ages 5 to 14 years work 6.5 hours per day and 5 days per week.<sup>2065</sup> Children help harvest commercial crops such as coffee and broccoli.<sup>2066</sup> Children are also employed as domestic servants<sup>2067</sup> and garbage pickers,<sup>2068</sup> in family businesses,<sup>2069</sup> in the fireworks<sup>2070</sup> and stone quarries sectors,<sup>2071</sup> and in other sectors.<sup>2072</sup> Child labor is one of many problems associated with poverty. In 2000, 16 percent of the population of Guatemala were living on less than USD 1 a day.<sup>2073</sup>

Child prostitution is especially common in the capital and along the borders with El Salvador and Mexico.<sup>2074</sup> Street children tend to be especially vulnerable to sexual exploitation and other forms of violence.<sup>2075</sup>

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<sup>2063</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children, please see the "Data Sources and Definitions" section of this report.

<sup>2064</sup> Children living in regions with high concentrations of indigenous groups comprised 65.9 percent of economically active 7 to 14 year olds. See Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil y Protección a la Adolescencia Trabajadora*, Guatemala, 2001, 6.

<sup>2065</sup> ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala: Informe Final*, Guatemala City, April 2003, 40, Cuadro No. 14; available from [http://www.ilo.org/public/spanish/standards/ipecc/simpoc/guatemala/report/gt\\_2003.pdf](http://www.ilo.org/public/spanish/standards/ipecc/simpoc/guatemala/report/gt_2003.pdf).

<sup>2066</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Guatemala*, Washington, DC, February 28, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41762.htm>. See also ILO-IPEC, *Progressive Elimination of Child Labor in the Broccoli Sector in Guatemala*, project document, October 2000.

<sup>2067</sup> In 2002 ILO reports that 38,878 children under 18 work under conditions of modern slavery in private homes in Guatemala. See U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d. See also ILO-IPEC, *Trabajo Infantil Doméstico en Guatemala: Informe de Investigación Lineamientos y Recomendaciones para una Propuesta de Intervención del 21 de diciembre 2001 al 31 de marzo de 2002*, Asociación Guatemalteca Pro-Naciones Unidas (AGNU), Guatemala City, 2002.

<sup>2068</sup> Vilma Duque and Fernando Garcia, *Child Labour in Garbage Dumps: A Rapid Assessment*, ILO, Geneva, May 2002; available from <http://www.ilo.org/public/spanish/standards/ipecc/simpoc/guatemala/ra/basuras.pdf>.

<sup>2069</sup> U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d. Many children work for their families without wages. See U.S. Embassy - Guatemala City, *reporting*, August 19, 2003. It has been reported that children also work as black market traders for US dollars. See Institutional Co-ordinator for Promotion of Children's Rights - CIPRODENI, *Analysis on Progress and Limitations on Compliance of the Children's Rights Convention: Second Independent Report from Non-Government Organizations on Compliance with Children and Youth Rights in Guatemala*, CIPRODENI, Guatemala, September 2000, 27; available from <http://www.crin.org/docs/resources/treaties/crc.27/Guatemala-english.pdf>.

<sup>2070</sup> The Ministry of Labor estimated 3,000 children worked in the illegal fireworks production industry. See U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d.

<sup>2071</sup> ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production in Samala River, Retalhuleu, Guatemala (Phase 2)*, technical progress report, GUA/01/51P/USA, Geneva, March 4, 2005. See also Gema Palencia, "Novcientos veinticinco mil menores obligados a trabajar agricultura y comercio, sectores que utilizan a mas ninos," *Prensa Libre*, April 29, 2003, [cited June 22, 2005]; available from [http://www.prensalibre.com/pls/prensa/detnoticia.jsp?p\\_cnoticia=54991&p\\_fedicion=29-04-03](http://www.prensalibre.com/pls/prensa/detnoticia.jsp?p_cnoticia=54991&p_fedicion=29-04-03).

<sup>2072</sup> ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala*, 37, Cuadro No. 13.

<sup>2073</sup> World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

<sup>2074</sup> U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 5.

Guatemala is considered a source, transit, and destination country for Guatemalan and other Central American children, primarily for the purpose of commercial sexual exploitation. Children from poor families in Guatemala tend to be drawn into sex trafficking through advertisements for foreign jobs or through personal recruitment.<sup>2076</sup>

The Constitution mandates free and compulsory education in Guatemala through primary school, or up to grade 6.<sup>2077</sup> In 2002, the gross primary enrollment rate was 106 percent and the net primary enrollment rate was 87 percent.<sup>2078</sup> Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 65.5 percent of children 5 to 14 years were attending school.<sup>2079</sup> As of 2001, 65 percent of children who started primary school were likely to reach grade 5.<sup>2080</sup> The lack of flexible alternative programs in the education system, lack of relevance of the curriculum, insufficient academic coverage, and low quality of services have been cited as some of the reasons children leave Guatemalan schools. Economic activity and poor health contribute to the 76 percent primary school desertion rate of rural children who enter first grade.<sup>2081</sup> Primary completion rates are lowest in rural and indigenous communities.<sup>2082</sup>

## Child Labor Laws and Enforcement

The Labor Code and Constitution set the minimum age for employment at 14 years.<sup>2083</sup> In some exceptional cases, the Labor Inspection Agency can provide work permits to children under the age of 14, provided that the work is related to an apprenticeship, is light work of short duration and intensity, is necessary due to extreme poverty within the child's family, and enables the child to meet compulsory education requirements.<sup>2084</sup> In 2004, 20 apprenticeships permits were issued, as this practice has diminished significantly in the past years.<sup>2085</sup> Minors ages 14 to 17 are prohibited from working at night, overtime, in places that are unsafe and dangerous, or in bars or other establishments where alcoholic beverages are served.<sup>2086</sup> The workday for minors under the age of 14 years is limited to 6 hours; minors

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<sup>2075</sup> Ibid.

<sup>2076</sup> Ibid. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46612.htm>.

<sup>2077</sup> Republic of Guatemala, *Constitution*, (May 31, 1985, reformed November 17, 1993), Article 74; available from <http://www.georgetown.edu/pdba/Constitutions/Guate/guate93.html>. See also U.S. Department of State, *Country Reports-2004: Guatemala*, Section 5.

<sup>2078</sup> UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

<sup>2079</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and surveys, *Child Economic Activity and School Attendance Rates*.

<sup>2080</sup> UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

<sup>2081</sup> ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala*, 27, Recuadro No. 3. See also USAID, *Regional Strategy for Central America and Mexico FY 2003-2008, Annex E: Guatemala Country Plan*, December 17, 2003, 17; available from [http://www.dec.org/pdf\\_docs/PDABZ676.pdf](http://www.dec.org/pdf_docs/PDABZ676.pdf).

<sup>2082</sup> On average, non-indigenous Guatemalan children receive 5.6 years of education, and indigenous children receive an average of 2.2 years. See U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 5.

<sup>2083</sup> *Código de Trabajo de la República de Guatemala*, Article 148; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/41345/64970/S95GTM01.htm#t4>. See also *Constitution*, 1985, Article 102.

<sup>2084</sup> *Código de Trabajo*, Article 150. See also U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d.

<sup>2085</sup> U.S. Embassy - Guatemala City, *reporting*, February 7, 2005.

<sup>2086</sup> U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d. See also *Código de Trabajo de la República de Guatemala*, 1996, 148.

age 14 to 17 may work a maximum of 7 hours.<sup>2087</sup> During the year the Municipality of Guatemala enacted a law prohibiting minors less than 18 years from accessing waste disposal sites.<sup>2088</sup>

Article 188 of the Penal Code prohibits child pornography and prostitution.<sup>2089</sup> Procuring and inducing a minor into prostitution are crimes that can result in fines and 6 years of imprisonment, and the penalty increases by two-thirds if the victim is younger than 12 years old.<sup>2090</sup> February 2005 reforms to Article 194 of the Penal Code expanded the definition of trafficking from solely covering sex trafficking to include other forms, and increased penalties for trafficking to 7 to 12 years of incarceration. Punishments are increased by one-third if the victim is a minor.<sup>2091</sup> The Law for Integrated Protection of Children and Adolescents protects children from trafficking and economic and sexual exploitation.<sup>2092</sup> The Constitution prohibits forced or compulsory labor, including by children.<sup>2093</sup> The Law on the Constitution of the Army stipulates that anyone serving in the military must be between 18 and 30 years old, and the Law for Integrated Protection of Children and Adolescents maintains that it is the state's responsibility to ensure that children and adolescents' are not recruited into the military.<sup>2094</sup> Since 1999, the Government of Guatemala has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.<sup>2095</sup>

The Ministry of Labor's Child Workers Protection Unit is responsible for enforcing child labor regulations as well as educating children, parents, and employers regarding the labor rights of minors. According to the U.S. Department of State, child labor laws are not well enforced because of ineffective labor inspections and labor courts.<sup>2096</sup> Specialized units within the Prosecutor's Office, the National Civilian Police (PNC), and the Attorney General's Office are tasked with investigating, arresting, and prosecuting traffickers.<sup>2097</sup> The Minors Section of the PNC's Criminal Investigative Service successfully apprehended child traffickers in 2005; however, some rescued underage victims were turned over to the juvenile justice system rather than provided with rehabilitative services.<sup>2098</sup>

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<sup>2087</sup> U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d.

<sup>2088</sup> *Municipal Agreement*, No. 006-2005, (April 1, 2005), Article 1.

<sup>2089</sup> U.S. Embassy- Guatemala City, *reporting*, August 22, 2000. See also Interpol, *Legislation of Interpol member states on sexual offences against children*, Interpol, [database online] 2003 [cited June 22, 2005]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaGuatemala.asp>.

<sup>2090</sup> Article 191 of the Criminal Code as cited by Interpol, *Legislation of Interpol member states on sexual offences against children*.

<sup>2091</sup> Previously, human trafficking was defined only in relation to the movement of women outside of the country's boundaries for prostitution. U.S. Embassy - Guatemala City, *reporting*, February 7, 2005.

<sup>2092</sup> See U.S. Embassy - Guatemala City, *reporting*, August 19, 2003. See also *Ley de Proteccion Integral de la Niñez y Adolescencia*, Decreto Numero 27-2003, Artículos 50 and 51.

<sup>2093</sup> U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6c.

<sup>2094</sup> Coalition to Stop the Use of Child Soldiers, "Guatemala," in *Global Report 2004*; available from [http://www.child-soldiers.org/document\\_get.php?id=827](http://www.child-soldiers.org/document_get.php?id=827).

<sup>2095</sup> ILO-IPEC official, email communication email communication to USDOL official, November 14, 2005.

<sup>2096</sup> U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d.

<sup>2097</sup> U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 5.

<sup>2098</sup> U.S. Embassy - Guatemala City, *reporting*, May 5, 2004.

## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Guatemala, through its National Commission for the Elimination of Child Labor, is implementing the 2001 National Plan for the Prevention and Eradication of Child Labor and the Protection of the Adolescent Worker.<sup>2099</sup> The government is also implementing the 2001 National Plan of Action against the commercial sexual exploitation of children and adolescents.<sup>2100</sup> Chapter three of the Public Policy and National Plan of Action for Childhood 2004-2015 provides for protection of children from economic exploitation and adolescents from dangerous and unhealthy work.<sup>2101</sup> A Technical Committee for the Prevention and Eradication of Domestic Child Labor was established in February 2005.<sup>2102</sup>

| Selected Child Labor Measures Adopted by Governments |            |   |
|------------------------------------------------------|------------|---|
| Ratified Convention 138                              | 4/27/1990  | ✓ |
| Ratified Convention 182                              | 10/11/2001 | ✓ |
| ILO-IPEC Member                                      |            | ✓ |
| National Plan for Children                           |            | ✓ |
| National Child Labor Action Plan                     |            | ✓ |
| Sector Action Plan (Commercial Sexual Exploitation)  |            | ✓ |

The Government of Guatemala is collaborating with ILO-IPEC on six projects aimed at eliminating child labor in various sectors and geographical areas.<sup>2103</sup> Two of these projects are USDOL-funded regional projects aimed at eradicating the commercial sexual exploitation of children<sup>2104</sup> and child labor in commercial agriculture.<sup>2105</sup> Another is a Government of Italy-funded regional program to eradicate child labor in garbage dumps.<sup>2106</sup> The Government of Guatemala is also collaborating with ILO-IPEC on USDOL-funded projects aimed at combating child labor in the fireworks,<sup>2107</sup> broccoli,<sup>2108</sup> and stone quarrying<sup>2109</sup> sectors. The Ministry of Labor, the Unit for the Protection of Minors at Work, UNICEF, and ILO-IPEC have joined efforts to build the capacity of local leaders to monitor and implement programs to address child labor.<sup>2110</sup> The Government of Guatemala is participating in a USD 5.5 million USDOL-funded regional project

<sup>2099</sup> Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*. See also U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d.

<sup>2100</sup> Secretariat of Social Welfare of the Presidency, *Plan Nacional de Acción Contra la Explotación Sexual Comercial de Niñas, Niños y Adolescentes en Guatemala*, Guatemala City, July 2001.

<sup>2101</sup> ILO, *Convention 182 Observation: Guatemala*, CEACR 2004/74th Session, Committee of Experts on the Application of Conventions and Recommendations, 2004; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>. See also Ministry of Labor and Social Security, electronic communication to USDOL official, August 19, 2005.

<sup>2102</sup> Ministry of Labor and Social Security, electronic communication, August 19, 2005.

<sup>2103</sup> ILO-IPEC Sub-regional Office for Latin America and the Caribbean, *Ficha País: Guatemala*, May 2005, [cited June 22, 2005]; available from [http://www.oit.org.pe/ipecc/documentos/ficha\\_pais\\_mayo\\_2005\\_guatemala.doc](http://www.oit.org.pe/ipecc/documentos/ficha_pais_mayo_2005_guatemala.doc).

<sup>2104</sup> This project includes activities that benefit children as well as awareness raising, institutional capacity building, and international and national coordination in Guatemala. See ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, technical progress report, RLA/02/P51/USA, ILO-IPEC, Geneva, March 12, 2005.

<sup>2105</sup> ILO-IPEC, *Prevention and progressive elimination of child labour in agriculture in Central America, Panama and the Dominican Republic (Phase II)*, project document, September 17, 2003.

<sup>2106</sup> ILO-IPEC Sub-regional Office for Latin America and the Caribbean, *Ficha País: Guatemala*.

<sup>2107</sup> This project seeks to withdraw children from fireworks production in the regions of San Raymundo and Sacatepequez. See ILO-IPEC, *Prevention and Progressive Eradication of Child Labor in Fireworks Production in Guatemala*, Addendum, project document, GUA/03/P50/USA, Geneva, September 9, 2003.

<sup>2108</sup> ILO-IPEC, *Progressive Elimination of Child Labor in the Broccoli Sector*.

<sup>2109</sup> ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production in Samala River, Retalhuleu, Guatemala (Phase 2)*, technical progress report, GUA/01/51P/USA, Geneva, March 5, 2004.

<sup>2110</sup> UN Economic and Social Council, *Contemporary Forms of Slavery*, Report of the Secretary-General on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour, submitted pursuant to Sub-Commission resolution 1997/22, E/CN.4/Sub.2/2002/2, Paris, May 2002, 6.

implemented by CARE to combat child labor through education.<sup>2111</sup> During the year, the government worked through its Immigration Service and the Secretariat of Social Welfare to raise awareness regarding trafficking and child sexual exploitation.<sup>2112</sup>

The Ministry of Education (MINEDUC) addresses child labor directly and indirectly by providing scholarships to children in need,<sup>2113</sup> administering extracurricular programs,<sup>2114</sup> and implementing school feeding programs in rural areas.<sup>2115</sup> In particular, the government worked with ILO-IPEC to provide scholarships to children removed from work in the broccoli, coffee, gravel, and fireworks sectors. MINEDUC continues to implement a bilingual education project<sup>2116</sup> and to reduce the associated costs of education by providing school supplies to all children in primary school and eliminating their matriculation fees.<sup>2117</sup> The World Bank is supporting a Universalization of Basic Education project through 2006, which seeks to improve the coverage, equity, and quality of primary education.<sup>2118</sup> USAID's 2004-2008 Country Plan for Guatemala focuses on promoting policies to improve educational quality and reducing rates of school desertion and repetition.<sup>2119</sup> A new loan from the IDB which encourages quality social expenditure includes an education component focusing on improved enrollment, educational quality, and school infrastructure.<sup>2120</sup> In May 2005, the U.S. Department of Agriculture announced that it will provide additional funds for school feeding programs in Guatemala.<sup>2121</sup>

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<sup>2111</sup> U.S. Department of Labor, *United States Provides over \$110 Million in Grants to Fight Exploitive Child Labor Around the World*, [online] October 1, 2004 [cited June 22, 2005]; available from <http://www.dol.gov/opa/media/press/ilab/ILAB20041715.htm>. See also CARE, *CARE's Work: Project Information*, [online] 2004 [cited June 22, 2005]; available from <http://www.careusa.org/careswork/projects/SLV041.asp>.

<sup>2112</sup> U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 5.

<sup>2113</sup> ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production, March 5, 2004*, 12. See U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d.

<sup>2114</sup> Extracurricular programs use modified school hours, flexible course offerings and correspondence courses to provide children with access to basic education outside formal education classrooms. See Nery Macz and Demetrio Cojti, interview with USDOL official, August 16, 2000.

<sup>2115</sup> MINEDUC, through the General Office for Co-Ordination of Support Program, administers school feeding programs. See CIPRODENI, *Analysis on Progress and Limitations*, 19.

<sup>2116</sup> *Ibid.*, 9-10.

<sup>2117</sup> Macz and Cojti, interview, August 16, 2000. Guatemalan teachers consider the government's efforts to reform the education system to be unsatisfactory.

<sup>2118</sup> World Bank, *Guatemala-Universalization of Basic Education Project*, World Bank, [online] June 2005 [cited June 22, 2005]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P048652>.

<sup>2119</sup> USAID, *Guatemala Country Plan*, 5. See also USAID, *Guatemala: USAID Program Profile*, [online] May 13, 2005 [cited June 22, 2005]; available from [http://www.usaid.gov/locations/latin\\_america\\_caribbean/country/program\\_profiles/guatemalaprofile.html](http://www.usaid.gov/locations/latin_america_caribbean/country/program_profiles/guatemalaprofile.html).

<sup>2120</sup> This loan was approved in December 2004. See IDB, *Guatemala: Program for Improving the Quality of Social Expenditure*, Loan Proposal, Program for Improving the Quality of Social Expenditure, 2004, 5-6; available from <http://www.iadb.org/exr/doc98/apr/gu1598e.pdf>.

<sup>2121</sup> The program will benefit 172,000 people in Guatemala. See U.S. Department of Agriculture, *Johanns announces \$91 million to feed children under McGovern-Dole international food program*, [online] May 2005 [cited June 22, 2005]; available from [http://www.usda.gov/wps/portal/!ut/p/\\_s.7\\_0\\_A/7\\_0\\_1RD?printable=true&contentidonly=true&contentid=2005/05/0144.xml](http://www.usda.gov/wps/portal/!ut/p/_s.7_0_A/7_0_1RD?printable=true&contentidonly=true&contentid=2005/05/0144.xml).